

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
BLUEFIELD DIVISION**

**OHIO VALLEY ENVIRONMENTAL
COALITION, WEST VIRGINIA
HIGHLANDS CONSERVANCY,
APPALACHIAN VOICES, and
THE SIERRA CLUB,**

Plaintiffs,

v.

Civil Action No. 1:19-cv-00576

BLUESTONE COAL CORPORATION,

Defendant.

NOTICE OF LODGING OF CONSENT DECREE

Plaintiffs hereby give notice of lodging of a Proposed Consent Decree in the above-captioned action. The attached Consent Decree has been signed by all Parties and will resolve claims alleged by Plaintiffs against Defendant in Civil Action No. 1:19-576, except for the issue of costs and attorneys fees.

Plaintiffs lodge this Proposed Consent Decree with the Court pursuant to Section 505(c)(3) of the Clean Water Act, 33 U.S.C. § 1365(c)(3). That section provides in relevant part: “No consent judgment shall be entered in any action in which the United States is not a party prior to 45 days following the receipt of a copy of the proposed consent judgment by the Attorney General and the Administrator.” Id. Plaintiffs will promptly serve the signed agreement upon the United States and, pursuant to 40 C.F.R. § 135.5, will notify the Court of the date upon which the United States receives such service.

During the 45-day review period by the United States, no action is required from the Court. If, after review and evaluation of the Proposed Consent Decree and any comments received from the United States, the Court finds the Consent Decree to be fair, reasonable, and in the public interest, the Parties respectfully request that the Court enter the decree.

Respectfully submitted,

/s/ J. Michael Becher

J. Michael Becher (Bar No. 10588)

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CERTIFICATE OF SERVICE

I, J. Michael Becher, hereby certify that on December 3, 2020, I served the foregoing Notice of Lodging of Consent Decree through the Court's CM/ECF system, which will provide notice and service to the following via email:

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Respectfully submitted,

/s/ J. Michael Becher
J. Michael Becher